



City of Seattle

Department of Planning and Development  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**DPD Project Number:** 3013278, 3013465

**Applicant Name:** Hien Dung for King County

**Address of Proposal:** 7018 Beach Drive SW (3013278, Storage Tank Site)  
7015 Beach Drive SW (3013465, Murray Avenue Pump Station Site)

**SUMMARY OF PROPOSED ACTION**

Shoreline Substantial Development Application to allow underground sewer lines accessory to existing public utility (Murray Avenue Pump Station) located in Lowman Beach Park. Review includes 1,580 cubic yards of grading. Land use application to allow a public utility (King County Wastewater Treatment) to install a 1 million gallon underground storage tank and construct accessory equipment building (2,900 square feet). Six residential buildings (16 units) to be demolished. Review includes 35,200 cubic yards of grading. Determination of Non-Significance and associated Addendum have been prepared by King County (published April 26, 2011).

The following approvals are required:

**Shoreline Substantial Development Permit** to allow utility line use in Conservancy Recreation (CR) Shoreline Environment.

**SEPA** – Conditioning Only - Chapter 25.05, Seattle Municipal Code.

**SEPA DETERMINATION:** ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS  
☒ DNS with conditions  
☐ DNS involving non-exempt grading, or demolition, or  
involving another agency with jurisdiction.

**BACKGROUND, SITE AND PROPOSAL**

King County Department of Natural Resources, Wastewater Treatment Division (County), is proposing the Murray Combined Sewer Overflow (CSO) Control Project. The location for this project includes six parcels and adjacent public right-of-way in West Seattle across Beach Drive SW from Lowman Beach Park in a Lowrise One (LR1) zone, the southeastern corner of Lowman Beach Park, and the adjacent portion of Beach Drive SW.

King County's Murray Avenue Pump Station is located in Lowman Beach Park and currently receives flows of combined sanitary sewage and stormwater from two sources: flows collected in the Murray wastewater basin and flows received from the upstream Barton Pump Station. The approximately 1,000-acre Murray basin drains to the Murray Avenue Pump Station. Dry weather flows pumped from the Murray Avenue Pump Station are conveyed to the West Point Treatment Plant in the City of Seattle's Magnolia neighborhood for treatment, disinfection and discharge to Puget Sound. Under peak flow conditions, some of the flows pumped from the Murray Avenue Pump Station receives primary treatment at the Alki Wet Weather Treatment Facility and is then discharged to Puget Sound.

The Murray Avenue Pump Station has the capacity to convey a peak flow rate of 31.5 million gallons per day (MGD). When heavy rains cause flows in the basin to exceed the capacity of the pump station, a combination of stormwater and diluted sewage is discharged to Puget Sound through an outfall located near the pump station. Between the years of 2000 and 2007, there was an average of five such CSOs annually in the Murray basin. The average annual total CSO volume for the basin was 5.2 million gallons. King County's current National Pollutant Discharge Elimination System (NPDES) permit for the West Point Treatment Plant requires that King County implement controls to reduce CSOs in the Murray Basin to an average of no more than one per year on a long-term average.

In order to meet this CSO standard, King County is proposing to construct the Murray CSO Control Project. The project would involve the construction of a new approximately one-million gallon below-grade storage tank, utility piping, and ancillary equipment facility building. The storage tank would be constructed at a site across the street from Lowman Beach Park that currently contains six residential buildings (one single-family residence and five multi-family buildings) that will be demolished as part of the project.

A new 60-inch-diameter influent and diversion sewer will be constructed in Beach Drive SW and Lowman Beach Park, connecting to the north side of the existing Murray Avenue Pump Station wet well. The new sewer also connects to the new storage tank. When flows exceed the capacity of the pump station, they will be diverted to the storage tank through the new 60-inch diameter diversion sewer.

The storage tank would be circular in shape and approximately 100 feet in diameter. The storage tank contains five approximately 15-foot-wide channels to facilitate automatic flushing cleaning mechanisms. The tank would store approximately one million gallons of peak flow until system capacity was available. Stored flow would then be pumped back to the Murray Avenue Pump Station via the new diversion sewer. In addition, an outfall tide gate will also be installed on the CSO outfall in the park to prevent tidal influences on the Murray Avenue Pump Station.

An above-grade approximately 2,900-square-foot, one-story (about 23 feet tall) ancillary equipment facility building would be constructed at the storage tank site to serve the CSO control facility. This building would contain electrical control panels and motor control centers, a standby engine generator, a ventilation system, a restroom, and a utility water system. A diesel fuel storage tank of approximately 2,000-gallon for the generator will also be provided. The new standby engine generator and a new odor control system would function for the existing Murray Avenue Pump Station as well as the new CSO storage facility. A retaining wall would be constructed along the eastern edge of the tank site to stabilize and protect the existing hillside.

In addition, the following are project elements proposed for the triangular storage tank site that have resulted in part from a number of public outreach efforts conducted by King County with interested citizens, including formation of a Design Advisory Committee,:

- 1) A staircase will be installed from Lincoln Park Way SW to Beach Drive SW with seating areas;
- 2) Public viewpoints will be added, including a rooftop viewpoint with seating and a green roof;
- 3) A landscaped open public space area will be added to the northwest corner of the site;
- 4) Landscaping with trees will be installed to help screen the CSO facility building and provide a more attractive area for pedestrians.

King County is currently under Street Improvement Permit review where the Seattle Department of Transportation (SDOT) is addressing street improvement requirements near the project site. Through extensive consultation with SDOT, Beach Drive SW will be modified to calm traffic by narrowing the width of the street and installing curb bulbs. Murray Avenue SW is currently undeveloped right-of-way that will be developed for access to the new storage tank site. King County will obtain an annual permit from SDOT to gate Murray Avenue SW to control access to the new site. A hammerhead turn around will be provided at the intersection of Murray Avenue SW and Beach Drive SW.

#### Public Comment

The DPD comment period for this proposal ended on July 11, 2012. In addition, a public meeting was held on September 11, 2012. A number of public comments were received both in writing and verbally at the public meeting. Many of the comments expressed support for the overall project, citing changes made over time through outreach by King County. Several comments expressed concerns about the project, citing objections to the location of the project and the process for selecting the location, as well as negative impacts of the proposed narrowing of Beach Drive, loss of parking, loss of housing and safety concerns for pedestrians and bicyclists.

#### **ANALYSIS — SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT**

Section 23.60.030 of the Seattle Municipal Code provides criteria for review of a shoreline substantial development permit and reads: A substantial development permit shall be issued only when the development proposed is consistent with:

- A. *The policies and procedures of Chapter 90.58 RCW;*
- B. *The regulations of this Chapter; and*
- C. *The provisions of Chapter 173-27 WAC.*

Conditions may be attached to the approval of a permit as necessary to assure consistency of the proposed development with the Seattle Shoreline Master Program and the Shoreline Management Act.

## **THE POLICIES AND PROCEDURES OF CHAPTER 90.58.RCW**

Chapter 90.58 RCW is known as the Shoreline Management Act of 1971. It is the policy of the State to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy contemplates protecting against effects to public health, the land use and its vegetation and wild life, and the waters of the state and their aquatic life, while protecting public right to navigation and corollary incidental rights. Permitted uses in the shoreline shall be designed and conducted in a manner to minimize, insofar as possible, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

The Shoreline Management Act provides definitions and concepts, and gives primary responsibility for initiating and administering the regulatory program of the Act to local governments. The Department of Ecology is to primarily act in a supportive and review capacity, with primary emphasis on insuring compliance with the policy and provisions of the Act. As a result of this Act, the City of Seattle and other jurisdictions with shorelines, adopted a local shoreline master program, codified in the Seattle Municipal Code at Chapter 23.60.

Development on the shorelines of the state is not to be undertaken unless it is consistent with the policies and provisions of the Act, and with the local master program. The Act sets out procedures, such as public notice and appeal requirements, and penalties for violating its provisions.

The proposal is subject to the Shoreline Policies of SMC 23.60.004 because a portion of the project is located within the Shoreline District and the cost of the project exceeds \$6,614. The proposed development has been designed to ensure minimum impact to the public health, land and waters of the state, and their aquatic life. The location of the proposed work on the shoreland will not interfere with the public rights of navigation and corollary rights, thus providing for the management of the shorelines by planning for and fostering all reasonable and appropriate uses. Therefore, the subject application is consistent with the procedures outlined in RCW 90.58.

### **A. THE REGULATIONS OF CHAPTER 23.60**

Chapter 23.60 of the Seattle Municipal Code is known as the "Seattle Shoreline Master Program." In evaluating requests for substantial development permits, the Director must determine that a proposed use meets the approval criteria set forth in SMC 23.60.030 (cited above). Development standards of the shoreline environment and underlying zone must be considered, and a determination made as to any special requirements (shoreline conditional use, shoreline variance, or shoreline special requirements use permit) or conditioning that is necessary to protect and enhance the shorelines area (SMC 23.60.064).

Pursuant to SMC 23.60.064C, in evaluating whether a development which requires a substantial development permit, conditional use permit, variance permit or special use authorization meets the applicable criteria, the Director shall determine that the proposed use: 1) is not prohibited in the shoreline environment and the underlying zone and; 2) meets all applicable development standards of both the shoreline environment and underlying zone and; 3) satisfies the criteria for a shoreline variance, conditional use, and/or special use permits, if required.

#### **SMC 23.60.004 - Shoreline Policies**

The Shoreline Goals and Policies which are part of the Seattle Comprehensive Plan's Land Use Element and the purpose and locational criteria for each shoreline environment designation contained in SMC 23.60.220 must be considered in making all discretionary decisions in the shoreline district.

The Shoreline Goals and Policies are located in Section C-4 of the Land Use Element. There are three goals specific to the protection of the shoreline and aquatic environment: LUG 43, "Protect those areas of shoreline that are geologically dangerous or fragile, or biologically fragile."; LUG 48, "Preserve, protect and restore areas such as those necessary for the support of wild and aquatic life or those identified as having geological or biological significance."; and LUG 49, "Insure that all future uses will preserve and protect environmental systems, including wild and aquatic life." The overall project purpose is to prevent combined sewage overflows into Puget Sound and to fulfill requirements of the National Pollutant Discharge Elimination System. The project will enable King County to capture and direct untreated flows into a new storage tank instead of Puget Sound, which will improve water quality and shoreline habitat in this area and Puget Sound, and is consistent with the Land Use goals cited above for protection of the natural shoreline environment.

Excavation in Lowman Beach Park for the outfall tide gate, 60-inch-diameter influent sewer, and other utilities, including an 18-inch-diameter supply air line and 30-inch-diameter foul air line, would occur within the Shoreline District adjacent to the existing Murray Avenue Pump Station. A portion of this work would be within the Conservancy Recreation Shoreline Environment. The purpose of the CR Environment is to preserve, protect, restore, or enhance certain areas which are particularly biologically or geologically fragile and to encourage the enjoyment of those areas by the public. The overall project purpose is to prevent combined sewage overflows into Puget Sound and to fulfill requirements of the National Pollutant Discharge Elimination System. The project will enable King County to capture and direct untreated flows into a new storage tank instead of Puget Sound, which will improve water quality and shoreline habitat in this area and Puget Sound. Public access to the shoreline will remain unchanged following the project. The proposed buildings and other upgrades and best management practices that will be employed during construction described above and/or in more detail in the application serve the overall project purpose use as well as the purpose of the CR Shoreline Environment.

#### Development Standards

Utility lines are permitted as special use in the CR environment, which is analyzed below. Pursuant to the Seattle Shoreline Master Plan, the proposed action is therefore subject to:

#### Development Standards

1. *the general development standards (SSMP 23.60.152);*
2. *the development standards for uses in the CR environment (SMC 23.60.360-400).*

#### 1. General Development Standards for all Shoreline Environments (SMC 23.60.152)

*All uses and developments shall be subject to the following general development standards:*

- A. *The location, design, construction and management of all shoreline developments and uses shall protect the quality and quantity of surface and ground water on and adjacent to the lot and shall adhere to the guidelines, policies, standards and regulations of applicable water quality management programs and regulatory agencies. Best Management Practices such as paving and berming of drum storage areas, fugitive dust controls and other good housekeeping measures to prevent contamination of land or water shall be required.*
- B. *Solid and liquid wastes and untreated effluents shall not enter any bodies of water or be discharged onto the land.*

- C. Facilities, equipment and established procedures for the containment, recovery and mitigation of spilled petroleum products shall be provided at recreational marinas, commercial moorage, vessel repair facilities, marine service stations and any use regularly servicing vessels.*
- D. The release of oil, chemicals or other hazardous materials onto or into the water shall be prohibited. Equipment for the transportation, storage, handling or application of such materials shall be maintained in a safe and leak proof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.*
- E. All shoreline developments and uses shall minimize any increases in surface runoff, and control, treat and release surface water runoff so that receiving water quality and shore properties and features are not adversely affected. Control measures may include, but are not limited to, dikes, catch basins or settling ponds, interceptor drains and planted buffers.*
- F. All shoreline developments and uses shall utilize permeable surfacing where practicable to minimize surface water accumulation and runoff.*
- G. All shoreline developments and uses shall control erosion during project construction and operation.*
- H. All shoreline developments and uses shall be located, designed, constructed and managed to avoid disturbance, minimize adverse impacts and protect fish and wildlife habitat conservation areas including, but not limited to, spawning, nesting, rearing and habitat areas, commercial and recreational shellfish areas, kelp and eel grass beds, and migratory routes. Where avoidance of adverse impacts is not practicable, project mitigation measures relating the type, quantity and extent of mitigation to the protection of species and habitat functions may be approved by the Director in consultation with state resource management agencies and federally recognized tribes.*
- I. All shoreline developments and uses shall be located, designed, constructed and managed to minimize interference with or adverse impacts to beneficial natural shoreline processes such as water circulation, littoral drift, sand movement, erosion and accretion.*
- J. All shoreline developments and uses shall be located, designed, constructed and managed in a manner that minimizes adverse impacts to surrounding land and water uses and is compatible with the affected area.*
- K. Land clearing, grading, filling and alteration of natural drainage features and landforms shall be limited to the minimum necessary for development. Surfaces cleared of vegetation and not to be developed shall be replanted. Surface drainage systems or substantial earth modifications shall be professionally designed to prevent maintenance problems or adverse impacts on shoreline features.*
- L. All shoreline development shall be located, constructed and operated so as not to be a hazard to public health and safety.*
- M. All development activities shall be located and designed to minimize or prevent the need for shoreline defense and stabilization measures and flood protection works such as bulkheads, other bank stabilization, landfills, levees, dikes, groins, jetties or substantial site regrades.*
- N. All debris, overburden and other waste materials from construction shall be disposed of in such a way as to prevent their entry by erosion from drainage, high water or other means into any water body.*

- O. Navigation channels shall be kept free of hazardous or obstructing development or uses.*
- P. No pier shall extend beyond the outer harbor or pierhead line except in Lake Union where piers shall not extend beyond the Construction Limit Line as shown in the Official Land Use Map, Chapter 23.32, or except where authorized by this chapter and by the State Department of Natural Resources and the U.S. Army Corps of Engineers.*

The Stormwater Code (SMC 22.800) places considerable emphasis on protecting water quality. This generally takes the form of best management practices being required on building permits. These measures, including required temporary erosion and sediment control measures for construction as described in the SEPA checklist and application material will be adequate to ensure protection of the shoreline area from the construction that is proposed, and will be required to be implemented during construction as a condition of approval.

As described above, the completed project will result in reduced volumes of untreated stormwater and sanitary sewage that is discharged to Puget Sound at this location, which will contribute to long-term improvements in water quality and habitat quality at this location and in Puget Sound.

*Development Standards CR Shoreline Environment (SMC 23.60.360-.400)*

The development standards set forth in the Conservancy Recreation (CR) relate to critical habitat protection, height, lot coverage, view corridors, setbacks, water-related uses on waterfront lots and public access. The proposal conforms to all applicable development standards for the CR Shoreline Environment.

*SMC.23.60.364 - Special Uses in the CR Environment.*

The proposal includes work in the CR Environment related to the installation of a utility pipes, which requires special use approval pursuant to SMC 23.60.364 C, as analyzed below.

**ANALYSIS – SHORELINE SPECIAL USE**

Utility lines are permitted as a Special Use in the CR environment pursuant to SMC 23.60.364 C, if “no reasonable alternative location exists” and the special use criteria of Section 23.60.032 are met, as analyzed below. Due to the location of the existing Murray Avenue Pump Station and outfall, the proposed utility lines are required to be located in the CR Shoreline Environment as no feasible or reasonable alternative location exists:

- A. That the proposed use will be consistent with the policies of RCW 90.58.020 and the Shoreline Policies;*

- Recognize and protect the statewide interest over local interest

As mentioned above, the project was initiated to meet regulatory requirements from Department of Ecology to reduce untreated sewage overflows into Puget Sound. The proposed project will improve water quality in Puget Sound, identified as a Shoreline of Statewide Significance, by reducing untreated sewage/stormwater overflows into Puget Sound at this location to no more than one overflow per year on average.

- Preserve the natural character of the shoreline

The natural character of the shoreline will be preserved. Once the new utilities are installed, excavated soils will be backfilled and surface grades and landscaping will be restored.

- Result in long term over short term benefit

The project will result in long-term benefits because the new storage tank will accommodate higher flows of sewage and stormwater runoff. Currently, untreated runoff goes directly into Puget Sound when the capacity of the Murray Avenue Pump Station is exceeded during storm events. Once the project is complete, the runoff will be directed into a large storage tank (outside the Shoreline District but part of this overall project) where it will be stored and eventually treated at the West Point Treatment Plant.

- Protect the resources and ecology of the shoreline

The ecology of the shoreline will be improved once the project is complete. The proposed work in the CR Environment will enable the County to capture and direct untreated flows into a new storage tank instead of Puget Sound. Near shore critical habitats will be improved through better water quality.

- Increase public access to publicly owned areas of the shorelines

Public access to shorelines will remain unchanged after the project is complete. King County will provide public access to the shoreline during construction.

Increase recreational opportunities for the public in the shoreline

Overall, recreational opportunities for the public will be the same once the project is complete although from a public health and safety perspective, there will be improvements. Once the overall project is complete, it is anticipated that CSO overflow will be reduced to no more than one per year on average. Public use of the beach will be safer because untreated discharges will be greatly reduced.

- Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary

See below.

*B. That the proposed use will not interfere with the normal public use of public shorelines;*

There will be limited, short-term interference with existing public access to Lowman Beach Park during the construction period. Normal existing use of Lowman Beach Park and access to the shoreline will be resumed upon completion of the project.

*C. That the proposed use of the site and design of the project will be compatible with other permitted uses within the area;*

The proposed utility lines within the CR zone will be below grade and are compatible with existing uses with the public park and surrounding residential uses. All work areas will be restored to existing conditions once work is complete.

*D. That the proposed use will cause no unreasonably adverse effects to the shoreline environment in which it is to be located;*

Please refer to bulleted items above.

*E. That the public interest suffers no substantial detrimental effect.*

There will be short-term detrimental impacts to the community due to noise, dust, and traffic during construction. As mentioned above, the facilities to be constructed in the CR Shoreline Environment will help provide long-term improvements to water quality in Puget Sound and at this location by reducing CSOs in the drainage basin.

Therefore, the proposal meets the criteria for Special Use approval.

### **CONCLUSION - SHORELINE SPECIAL USE**

DPD approves the proposed shoreline special use for the utility line use in the CR Environment.

### **B. THE PROVISIONS OF CHAPTER 173-27 WAC**

WAC 173-27 establishes basic rules for the permit system to be adopted by local governments, pursuant to the language of RCW 90.58. It provides the framework for permits to be administered by local governments, including time requirements of permits, revisions to permits, notice of application, formats for permits, and provisions for review by the state's Department of Ecology (DOE). As the Seattle Shoreline Master Program has been approved by DOE, consistency with the criteria and procedures of the SMC Chapter 23.60 is also consistency with WAC 173-27 and RCW 90.58.

#### **Summary**

Development requiring a Shoreline Substantial Development Permit can only be approved if it conforms to the policies and procedures of the WAC and RCW and with the regulations of Chapter 23.60 of the Seattle Shoreline Master Program.

The project as proposed meets the specific standards for development in the CR Shoreline Environment. It also conforms to the general development standards, as well as the requirements of the underlying zone.

The Director's authority under Seattle's Shoreline Master Program is to ensure that development proposals are consistent those policies and procedures, and conforms to specific development standards of the underlying zones. Having established that the proposal is consistent with the Seattle Shoreline Program, it is hereby conditionally approved.

### **DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT**

The Shoreline Substantial Development Permit is **CONDITIONALLY GRANTED**.

## **ANALYSIS - SEPA**

Environmental impacts of the proposal have been analyzed in the environmental documents prepared by King County's Wastewater Treatment Division. The applicant submitted an environmental checklist and threshold determination for this project dated April 26, 2011. The information in the checklist, construction plans, information submitted by the applicant and the experience of the Department with the review of similar projects form the basis for this analysis and SEPA conditioning.

The Department of Planning and Development has analyzed the environmental checklist submitted by the project applicant; and reviewed the project plans and any additional information in the file. As indicated in King County's determination of non-significance, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Short-term adverse impacts are anticipated from the proposal. No adverse long-term impacts are anticipated.

### **Short - Term Impacts**

#### **Construction Impacts**

Construction activities for the project could result in the following adverse impacts: construction dust, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and an increase in traffic and parking impacts due to construction workers' vehicles. Although not significant, the impacts are adverse and certain mitigation measures are appropriate as specified below.

Temporary traffic impacts would result during construction for as long as 30 months. Heavy construction trucks and personal vehicles moving to and from the construction site and onto the local street system may cause temporary increases in traffic volumes and possible congestion in the area. Traffic could be periodically stopped along access roads to allow truck and trailer access to the construction site, causing delays for general purpose traffic. Demolition of the residential buildings on the storage tank site would require approximately 160 one-way truck trips to haul away demolition debris and approximately 20 one-way truck trips to bring in material needed to fill in voids and stabilize the site. During construction of the proposed storage tank and associated facilities, excavation hauling and delivery of concrete would require up to approximately 3,400 one-way truck trips. Most of these trips would occur during a six-month period.

King County has committed to discussing with each affected property owner prior to commencing construction activities. Prior to any temporary road closures, coordination would be conducted with all service providers in the area to ensure service to area residents is maintained throughout. Advance notification would include posting signage at the site as well as written notification of impacted residences. The notification would include the name and phone number of the King County staff person to be contacted regarding questions or concerns about construction activity.

Construction activities such as road closures and temporary traffic re-channeling will be reviewed with SDOT for the related construction in adjacent rights of way. As part of the required street use permits, a traffic control plan will be submitted to SDOT and approved prior to commencing any construction activities. The plan will include detailed measures to address residential access, emergency vehicle access, road closures and detours and pedestrian safety. As a result no conditioning is necessary related to these specific activities.

Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project, such as: Noise Ordinance; Street Use Ordinance; Grading and Drainage Code; Environmentally Critical Areas Ordinance, Land Use Code and Building Code.

The Street Use Ordinance includes regulations that mitigate dust, mud, and circulation. Temporary closure of sidewalks and/or traffic lane(s) is adequately controlled with a street use permit through SDOT.

Construction is expected to temporarily add some particulates to the air and will result in a slight increase in auto-generated air contaminants from construction worker vehicles. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (SMC 25.05.675-A.2).

Existing City code (SMC 11.62) requires truck activities to use arterial streets within the City to every extent possible. Prior to construction approval SDOT will review and approve a specific traffic control plan for the proposed project, therefore, no conditioning is necessary from DPD.

City code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of “freeboard” (area from level of material to the top of the truck container) be provided in loaded uncovered trucks, which minimizes the amount of spilled material and dust from the truck bed en route to or from a site.

King County is proposing to implement a number of Best Management Practices to control dust during construction, including street sweeping, watering exposed soil surfaces, and covering soil stockpiles to help minimize the amount of fugitive dust and particulate pollution to the surrounding areas.

Noise associated with the heavy construction processes and overall length of the proposed construction process could adversely affect surrounding properties in the area, which include residential and recreational uses. During construction, all activities will be performed consistent with the City of Seattle’s Noise Control Ordinance. Best Management Practices will be used to minimize construction noise, such as:

- Using effective vehicle mufflers, engine intake silencers, and engine enclosures, and shutting off equipment when not in use;
- Using portable noise barriers placed around stationary equipment;
- Using broadband back-up alarms to eliminate impacts of single frequency high-pitched alarms;
- Encouraging equipment drivers to avoid backing up as much as possible to reduce use of back-up alarms;
- Locating activities away from sensitive receptors when possible;

Noise associated with excavation could adversely affect surrounding properties in the area, which include residential uses. Due to the proximity of the project site to residential uses to the east, DPD finds the limitations of the Noise Ordinance to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), conditioning is warranted (condition #2).

In addition, it is a condition of this permit that King County establish a 24-hour construction hotline to promptly response to questions and complaints and a website with that provides regular updates on construction activities. Advance notification of activities will also include posting signage at the site, as well as written notification of impacted residences. (Conditions #1 and #3)

### **Long - Term Impacts**

#### **Housing**

The proposed project will include the demolition of six residential buildings, eliminating 16 dwelling units and displacing approximately 16 to 30 residents of these buildings. Residents and property owners displaced by the project and eligible for relocation benefits will receive relocation assistance from King County in accordance with King County Wastewater Treatment Division's Resident Relocation Program and consistent with applicable state and federal regulations as discussed in the SEPA Checklist.

#### **Air Quality, Water Quality, and Environmental Health**

Operational activities, primarily vehicular trips associated with the project and the project's energy consumption, are expected to result in small increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively small contribution of greenhouse gas emissions from this project due to its function and nature.

Odors generated within the storage tank from stored wastewater or solids not removed from the wash-down system would be mitigated through operation of the odor control system. The odor control system would consist primarily of a carbon adsorption scrubber vessel, mist eliminator, and fan. Gas concentrations at the odor control facility would be actively monitored to determine the functional performance of the facility and create and accurate schedule for replacement of the carbon filter media.

After the project is completed, stormwater on the storage tank site would flow into new bioretention facilities on the property. The soils and plantings in the bioretention facilities would settle, absorb, and filter the stormwater runoff prior to infiltration, improving long-term surface and groundwater quality at the site.

Extensive landscaping is proposed (as shown in Sheets 12 and 13 of application) in part to address removal of mature trees necessary for project.

The overall purpose of this project is to prevent combined sewage overflows into Puget Sound and to fulfill permit requirements of the National Pollutant Discharge Elimination System. In the years between 2000 and 2007, there was an average of five combined sewer overflows per year in the Murray drainage basin, discharging an average of 5.2 million gallons of untreated stormwater and wastewater annually into Puget Sound. This project is designed to meet the NPDES requirements and allow no more than one untreated discharge per location per year on average, substantially improving water quality in Puget Sound at this location compared to current conditions.

Several large trees meeting the definition of “exceptional” in DPD Director’s Rule 16-2008 are proposed to be removed as part of the project. DPD determined that given the measures proposed by King County to minimize the removal of trees to the extent feasible given the project objectives and the extensive landscaping (as shown in Sheets 12 and 13 of application) proposed as well as public open space that will be created as part of this project, the proposed removal of exceptional trees was approved pursuant to SMC 25.11.030.

### Summary

In conclusion, adverse effects on the environment resulting from the proposal are anticipated to be non-significant. Meeting the self-imposed mitigation commitments listed in King County’s SEPA checklist and Determination of Non-Significance, conditions stated below and analyzed above, the project will be consistent with applicable SEPA policies.

## **CONDITIONS – SEPA AND SHORELINE**

### Prior to Commencement of Construction

1. King County shall execute the public outreach plan including: establishment of a website to provide project information and regular updates on construction activities, including names and contact information for project; establishment of a 24-hour construction hotline to promptly respond to questions and complaints; and provide affected public with names and contact information for project contacts. These contacts shall also be mailed to nearby property owners (King County should define the appropriate area of the mailings).

### During Construction

2. The hours of all general construction work should be limited to between 7:00 AM – 6:00 PM on non-City holiday (pursuant to [SMC 25.08.155](#)) weekdays and between 9:00 AM – 6:00 PM Saturdays. Work using impact types of equipment are further limited consistent with subsection SMC 25.08.425 C of the Noise Ordinance (8:00 AM – 5:00 PM weekdays and 9:00 AM – 5:00 PM weekends).
3. Construction activities conducted outside the above stated hour limits, but within the sound level limits of the Noise Ordinance, may be authorized by DPD when a Construction Management Plan is provided and approved. This plan will be coordinated with the DPD Noise Abatement Office King County, applicant and the contractor. The plan will include the following elements:
  - a. Construction Communication - including a Contact and Community Liaison.
  - b. Construction Hours and Sensitive Receivers - identifying demolition and construction activities within permissible construction hours.
  - c. Construction Noise Requirements - all demolition and construction activities shall conform to the sound level limits specified in the Noise Ordinance, except as otherwise approved through the noise variance process.
  - d. Measures to Minimize Noise Impacts – list of measures to be implemented to reduce or prevent noise impacts during demolition and construction activities during standard and non-standard working hours.

- e. Construction Milestones – a description of the various phases of demolition and construction, including a description of noise and traffic generators, and anticipated construction hours for each phase.
  - f. Construction Noise Management – identify techniques to minimize demolition and construction noise including: timing restrictions, noise reduction construction technologies, process modifications. These techniques may go beyond code requirements.
4. King County shall maintain a project website with regular and timely updates for potential construction impacts and generally implement public outreach plan, including maintenance of construction hotline.
5. The applicant shall implement Best Management Practices approved and/or required by the State Department of Ecology and the DPD construction inspector to minimize the amount of erosion caused by construction and operations at the site. Materials and construction methods shall be used which prevent toxic materials, debris, waste material, concrete slurry, petrochemicals, and other pollutants from entering surface water during and after construction. All debris and other waste shall be disposed of in such a way as to prevent entry into Puget Sound.
6. If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible parties shall:
- Stop work immediately and notify DPD (Ben Perkowski 206.684.0347) and the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation (OAHP). The procedures outlined in Appendix A of Director's Rule 2-98 for assessment and/or protection of potentially significant archeological resources shall be followed.
  - Abide by all regulations pertaining to discovery and excavation of archaeological resources, including but not limited to Chapters 27.34, 27.53, 27.44, 79.01 and 79.90 RCW and Chapter 25.48 WAC, as applicable, or their successors.

For Life of Project

7. All landscaping for project and planting in bioretention facilities shall be monitored and properly maintained by King County.

Signature: \_\_\_\_\_ (signature on file)  
Ben Perkowski, Senior Land Use Planner  
Department of Planning and Development

Date: December 6, 2012